

CAMILO L. SABIO, COMPLAINANT, VS. HON. ALEJANDRO E. SEBASTIAN AND ATTY. FRANCISCO M. GONZALES, RESPONDENTS.*A.C. No. 182-J. December 19, 1973*

Ponente: FERNANDO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-c-no-182/>**FERNANDO, J.:**

This administrative complaint primarily against respondent Judge Alejandro E. Sebastian^[1] for an alleged oppressive exercise of judicial power arose from the issuance ex parte of a preliminary mandatory injunction in favor of Cuison Lumber Company that would remove a barricade on a road to its logging concession located on a lot owned by Mr. and Mrs. Romualdo Bhady, "poor and illiterate farmers and members of the Federation of Free Farmers"^[2] with such logging firm bulldozing the fruit trees and plants thereon. What is more, upon failure to abide by such preliminary mandatory injunction, the Bhady spouses as well as the complainant, Attorney Camilo L. Sabio, were cited and thereafter sentenced for contempt. There is more than just a color of an imputation that such actuation betrayed, on its face, prejudice and partiality in favor of property rights. Respondent Judge was required to answer, and he did so. He would sum up his defense to the complaint in this wise: "The issuance of ex-parte injunction is discretionary. The circumstances should be considered. Taking into account the possibility of starvation for the workers unless they could be supplied with food and to forestall irreparable injury to plaintiff by the disruption of his logging operations which would result in his inability to meet his commitments, and considering also that under the law he had a road right of way over defendants' property; and considering finally that the defendants were well protected from any possible damage, I issued the writ ex-parte. If Mr. Sabio honestly believed that the ex-parte injunction was illegal because it affected defendants' titled property, why did he not ask for its lifting? That remedy was open to him. He did not avail of it. As for the contempt, if Mr. Sabio was dissatisfied, he had also a plain remedy * * * appeal or perhaps habeas corpus. He neither availed of these remedies."^[3] In the answer of respondent Judge, it was likewise stated: "Plaintiff therein alleged it was a logging concessionaire with a lumber concession in Pantukan, Davao del Norte under license originally granted to it in 1952; that in that year (1952), it constructed and maintained a private road from the end of the Municipal Road at Tambungon, Pantukan, Davao del Norte, to its concession area, traversing an alienable and disposable portion of the public land; that on Sept. 9 to 11, 1970 and again from Sept. 27, 1970 up to the filing of the complaint, the defendants, unlawfully closed and blocked that portion of its logging road where it traverses an alienable and disposable portion of the public land, by barricading it with pieces of strong lumber and big stones, guarded by strong armed men, claiming ownership thereof, thus stopping and preventing the plaintiff's trucks and equipment from passing thru and/or making use of said road; that said closure would work great and irreparable damage and injury to plaintiff, because log production to meet heavy commitments to export logs to buyers abroad have been disrupted and the men and laborers working in cutting area faced starvation as a result of the cut-off of the truck trips carrying food, supplies and spare parts; and as the continuance of defendants' acts would probably work injustice to plaintiff, it applied for the issuance ex-parte of a writ of preliminary prohibitory injunction."^[4] In addition, it would justify the issuance of the order as based on the desire "to forestall the starvation of plaintiff's workers in the mountains"^[5] if the barricade were not removed. Considering such factual allegation, complainant

was required to comment. No such comment was forthcoming. Instead, on March 21, 1973, came this manifestation: "[Comes now complainant] and to this Honorable Tribunal most respectfully manifests that he is no longer desirous of prosecuting the above-entitled case and wishes that the same be dismissed." [6]

The prayer was for the dismissal of the administrative charge. Under the circumstances, we grant such a plea. There is nothing unusual in a member of the bar, fired with the requisite zeal and intensity in defense of a client's cause, exhausting every effort to assure the vindication of the rights committed to his care when circumstances lead him to entertain doubts about the objectivity and impartiality of a presiding judge. As a matter of fact, such an attitude is to be commended. This is especially so where the lawyer in question is called upon to protect the rights of the economically under-privileged, who, many a time, rightly or wrongly, are of the impression that the balance of justice is weighted against them. Complainant belongs to that breed. The sense of frustration as well as the feeling of grievance under which he was laboring did, undoubtedly, lead to the filing of this complaint. It is true that with the answer of the respondent Judge, a different light was thrown on the matter. While there is no justification for the disciplinary action sought, still it would not be inappropriate for him and for other members of the bench to be ever on their guard against giving the appearance that a favorable response is to be expected whenever there is an alleged invasion of property rights. The stress on social justice, already evident in the 1935 Constitution and much more marked in the present Charter, would be reduced to a barren form of words if it were otherwise. [7]

WHEREFORE, the complaint dated October 12, 1970 against respondents, Judge Alejandro E. Sebastian and Attorney Francisco M. Gonzales, as prayed for by Attorney Camilo L. Sabio, is dismissed.

Makalintal, C.J., Zaldivar, Ruiz Castro, Teehankee, Barredo, Makasias, Antoio, Esguerra, Fernandez, Muñoz Palma, and Aquino, JJ., concur.

[1] The Special Deputy Sheriff, Francisco M. Gonzales, was likewise included in the complaint.

[2] Complaint, 1.

[3] Answer, 7.

[4] Ibid, 1-2.

[5] Ibid, 3.

[6] Manifestation dated March 21, 1973.

[7] According to Article II, Section 6 of the Revised Constitution: "The State shall promote social justice to ensure the dignity, welfare, and security of all the people. Towards this end, the State shall regulate the acquisition, ownership, use, enjoyment, and disposition of private property, and equitably diffuse property ownership and profits." Also: "The State shall establish, maintain, and ensure adequate social services in the field of education, health, housing, employment, welfare, and social security to guarantee the enjoyment by the people of a decent standard of living." Section 7.

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